

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RONALD DEAN MCCOY,)	
)	
Plaintiff,)	Case No. 4:05cv3297
)	
v.)	
)	SCHEDULING ORDER
KENSEY NASH CORPORATION and)	
ST. JUDE MEDICAL, INC.,)	
)	
Defendants.)	

A consolidated Planning Conference was held on November 14, 2006 in this case and related case *McCoy v. United States*, Civil No. 8:06cv566. Maria Vera represented the plaintiff. Walter Zink and Mr. Edward F. Fox represented defendants Kensey Nash Corporation and St. Jude Medical, Inc. (the "Product Defendants"). Paul Boeshart represented the United States.

Upon review of the file, the court notes that this case is now over a year old. The plaintiff has not complied with the court's prior scheduling order and has not timely responded to the defendants' discovery requests. Consequently, the Product Defendants object to extending the discovery deadline and request that the matter be promptly scheduled for a dispositive motion. *See* Filing [59].

Having reviewed the file and entertained the presentations of all counsel, and in the interests of justice,

IT IS ORDERED

1. The discovery deadline in this case will be extended for **ninety (90) days** after the United States responds to any discovery Plaintiff might serve in related Case No. 8:06cv566 as described as in Paragraph 2, below, but in any event shall expire no later than **March 15, 2007**.

2. Plaintiff's counsel has represented that she intends to promptly serve discovery on the United States in related Case No. 8:06cv566. The United States has advised it will cooperate in promptly responding to such discovery while expressly reserving, and without waiving, any of its rights, claims or defenses.

3. Plaintiff shall provide complete and responsive answers to all of the Product Defendants' outstanding discovery requests no later than **December 29, 2006**. Failure to do so may result in the imposition of sanctions pursuant to Fed. R. Civ. P. 37.

4. Plaintiff shall provide complete expert witness disclosures and substantive expert reports, in full compliance with Fed. R. Civ. P. 26(a)(2), to the Product Defendants and their counsel within forty-five (45) days before the expiration of the new discovery deadline, but in any event no later than **January 31, 2007**.

5. Upon receipt of the Plaintiff's substantive expert witness disclosures and reports as set forth in the Paragraph 4, above, the Product Defendants shall have thirty (30) days thereafter to designate any experts and provide substantive expert witness disclosures and reports.

6. All expert depositions shall be scheduled so as to be completed by the expiration of the final discovery deadline set forth above.

7. All non-dispositive motions concerning any unresolved discovery issues or disputes shall be served and filed no later than **March 15, 2007**.

8. Following completion of discovery pursuant to this Order, the Product Defendants shall have sixty (60) days, but in any event no later than **May 15, 2007**, in which to serve and file any dispositive motions.

9. The Court admonishes the parties that it is imperative that all discovery, including expert witness disclosures and expert reports, be completed within the deadlines set forth in this Scheduling Order. No further extensions of time will be granted except for extraordinary, unforeseen circumstances and for good cause shown. Failure to diligently plan and pursue discovery and other pre-trial preparations in accordance with this Scheduling Order shall not constitute such extraordinary circumstances or good cause.

DATED November 20, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**